



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Appl. No. : 10/687,324 Confirmation No. 7328
Applicant (s) : Robert Urscheler, et al.
Filed : October 16, 2003
TC/A.U. : 1762
Examiner : Katherine A. Bareford
Title : METHOD OF PRODUCING A MULTILAYER COATED
SUBSTRATE HAVING IMPROVED BARRIER PROPERTIES

Docket No. : 62733C
Customer No. : 00109

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING
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Amber K. Mobley

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Amber K. Mobley

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July 22nd 2005

DATE OF SIGNATURE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

DECLARATION OF PRIOR INVENTION UNDER 37 C.F.R. § 1.131

We, Robert Urscheler and Francis Dobler, do hereby declare that:

1) We are the same Robert Urscheler and Francis Dobler who are
coinventors of the subject matter of the above identified patent application, as well as
named co-applicants on the above identified patent application before the United States
Patent and Trademark Office.

2) We are aware that claims of the above identified patent application have been rejected as obvious under 35 USC §103 over the teachings of EP 1 249 533 A1 (hereinafter Urscheler), taken further with the teachings of several other references, the Urscheler reference having a publication date of October 16, 2002, (hereinafter "102(a) reference date") which is prior to the earliest filing date to which Examiner alleges we are entitled for our above identified patent application.

3) The subject matter of all claims of our above-identified application was invented by ourselves (hereinafter "Inventors") before the above 102(a) reference date.

4) WO 2004/035929 A1 is evidence that the invention was reduced to practice prior to the 102(a) date. Evidence of the above prior invention date is established by the fact that the Inventors reduced the invention of the above-identified application to practice prior to the above 102(a) reference date, as is evidenced by the publication of our patent application WO 2004/035929 A1 dated April 29, 2004, which shows a October 15, 2002 filing date in the US Receiving Office.

5) In view of the fact that WO 2004/035929 A1 is a pubic record, no additional photocopies or original exhibits, drawings, and records demonstrating that the foregoing events took place are enclosed.

6) The undersigned declare further that all statements made herein of their own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Jul. 6, 2005

Date

July 6, 2005

Date

R. Urscheler

ROBERT URSCHELER

Francis Dobler

FRANCIS DOBLER